

REMARKS

Applicants appreciate the Examiner's thorough review and consideration of the subject application. The Final Office Action of March 9, 2005 has been received and its contents carefully noted. Claims 1-10 are currently pending in the application. By this amendment, claims 1, 5, 8, and 10 have been amended. No new matter has been added. Thus, the amendments should be entered into the record. The Examiner is respectfully invited to pass claims 1-10 to allowance for the reasons noted below.

Present Amendment is proper for entry

Applicants respectfully submit that the instant amendment is proper for entry after final rejection. Applicants note that no question of new matter is presented nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required. Moreover, Applicants submit that the instant amendment places the application in condition for allowance, or at least in better form for appeal. Accordingly, Applicants request the Examiner to enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Telephone Interview

Applicants appreciate the courtesy extended by the Examiner in the telephone Interview of April 7, 2005. In the Interview, Applicants' representative requested clarification as to the reasons why the Examiner indicated that claims 4 and 9 were allowed. The Examiner explained that when the Office Action does not provide any reasons for indicating allowable subject matter (as is the case in the instant Office Action), the reasons for allowance are based on Applicants arguments presented in an Amendment filed prior to the Office Action in question. Applicants' representative explained that the Rule 1.111 Amendment filed prior to the instant Final Office

Action argued the patentability of claims 4 and 9 based on the features of claims 4 and 9 identified on page 8, lines 8-13 of the Rule 1.111 Amendment. The Examiner noted that such features therefore form the basis for indicating allowable subject matter and that Applicants should therefore amend the rejected claims to recite these features in order to render any rejected claims allowable. Applicants appreciate the Examiner's clarification and have, by this Amendment, amended claims 1, 5 and 8 consistent with the Examiner's comments in order to render the rejected claims allowed.

Allowed Claims

Applicants appreciate the indication that claim 10 contains allowable subject matter and would be allowed if presented in independent form. As claim 10 has been presented in independent form, Applicants respectfully request that claim 10 be indicated to be allowed. Applicants also appreciate the indication that claims 4 and 9 are allowed. However, Applicants submit that all claims are in condition for allowance for the following reasons.

35 U.S.C. § 102 Rejection

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,826,014A issued to Coley, *et al.* ("Coley"). This rejection is respectfully traversed and/or rendered moot.

As a preliminary matter, Applicants submit that the above-noted rejection has been rendered moot. Consistent with the Examiner's comments in the telephone Interview of April 7, 2005, Applicants have amended claims 1, 5 and 8 to recite the features which rendered claims 4 and 9 allowable. As explained above, the Examiner noted in the telephone Interview that when the Office Action does not provide any reasons for indicating allowable subject matter (as is the case in the instant Office Action), the reasons for allowance are based on Applicants arguments presented in an Amendment filed prior to the Office Action in question. In this case, the Rule 1.111 Amendment filed prior to the instant Final Office Action argued the patentability of claims 4 and 9 based on the features of claims 4 and 9 identified on page 8, lines 8-13 of the Rule 1.111 Amendment. As the Examiner has noted in the Interview that these features for the basis for indicating allowable subject matter and as Applicants have herein specifically incorporated these

features in claims 1, 5 and 8, Applicants submits that the above-noted claims are now allowable consistent with the Examiner comments in the telephone Interview.

In addition, Applicants note that the claimed invention is directed to a method and system used to protect a web server against attack. In one embodiment, the method instructs the protective equipment for a web server to pass the received message to the web server, regardless of an ongoing attack, when the source address of the received message matches an address contained in the database of privileged source addresses. In the system, logic is provided for, when the source address of the received message appears in the database of privileged source addresses, instructing protective equipment to pass the received message to a web server, regardless of an ongoing attack. In another embodiment, the system includes a database of privileged source addresses, which permits a packet containing a privileged source address to pass to the web server regardless of an ongoing attack.

Applicants reiterate that Coley does not teach these features. Coley discloses a method for improving the operation of equipment used to protect a web server against attack. But, in contrast to the claimed invention, Coley discloses a firewall comprised of a plurality of “proxy agents,” each of which is assigned to a particular “port.” Each agent monitors its assigned port and compares the source addresses of received packets with an authorized list. Packets having source addresses that do not appear on the authorized list are discarded, as are packets having source addresses that appear on a non-authorized list. Packets whose source addresses match those on the authorized list are subjected to a pre-determined set of verification tests. However, after this stage, only those packets which successfully pass the entire set of verification tests are passed to the web server. Coley would thus suggest that the received message would not pass to the web server, when under attack, because the message would not pass through the verification tests.

Thus, in the claimed invention, the privileged source addresses of the invention are designated so that messages containing source addresses that match those in the database are passed to the web server regardless of an ongoing denial-of-service, or other, attack. In contrast, Coley’s proxy agents directly connect an incoming request with a destination host machine, only when it is known that the source is inherently secure. As Coley suggests, this might occur where a firewall protected machine at a company headquarters communicates with the company’s R &

D site. An attack against a company webserver, however, is not likely to originate at one of the company's firewall protected machines. Consequently, this example demonstrates that Coley connects an incoming request directly to a destination host machine only at times when the sending machine is not attacking (e.g., no attack is ongoing).

Claim 5 also recites the database of privileged source addresses, a feature not disclosed by Coley. For these reasons, claims 1 and 5 are allowable over Coley. Accordingly, allowance of claims 1 and 5, and their respective dependent claims 2-4 and 6-7 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the objections and rejections have been overcome, and that the claims are patentably distinct from the prior art of record and in condition for allowance. The Examiner is respectfully requested to pass the above application to issue, and to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **Deposit Account No. 09-0457** (Endicott).

Respectfully submitted,



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